

## **IC 9-16**

### **ARTICLE 16. LICENSE BRANCHES**

#### **IC 9-16-1**

##### **Chapter 1. Operation of License Branches**

#### **IC 9-16-1-1**

##### **"Qualified person"**

Sec. 1. As used in this chapter, "qualified person" means any of the following:

- (1) A motor club that is any of the following:
  - (A) A domestic corporation.
  - (B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.
- (2) A financial institution (as defined in IC 28-1-1-3).
- (3) A new motor vehicle dealer licensed under IC 9-32-11.
- (4) Other persons, including persons licensed under IC 9-32-11 that are not covered by subdivision (3), that the commission determines can meet the requirements for partial service contractors under section 4.5 of this chapter.

*As added by P.L.2-1991, SEC.4. Amended by P.L.179-1991, SEC.15; P.L.62-1996, SEC.5; P.L.125-2012, SEC.56; P.L.92-2013, SEC.38.*

#### **IC 9-16-1-2**

##### **Responsibilities of commissioner**

Sec. 2. The commissioner shall operate or be responsible for the administration of all license branches in Indiana under this article.

*As added by P.L.2-1991, SEC.4. Amended by P.L.125-2012, SEC.57.*

#### **IC 9-16-1-2.5**

##### **Reduction in number of license branches**

Sec. 2.5. The number of license branches may not be reduced in a county below the number in existence on January 1, 2001, unless the commission:

- (1) holds a public hearing in the county; and
- (2) receives unlimited public testimony before the commissioner on the merits of closing the branch that the commission proposes to close in the county.

*As added by P.L.176-2001, SEC.2. Amended by P.L.125-2012, SEC.58.*

#### **IC 9-16-1-3**

##### **License branch powers, duties, and functions**

Sec. 3. (a) License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

(b) The commissioner shall assign to license branches those functions that:

- (1) the commission or the bureau is legally required or authorized to perform; and
- (2) cannot be adequately performed by the commission or the

bureau without assistance from the license branches.  
*As added by P.L.2-1991, SEC.4.*

#### **IC 9-16-1-4**

##### **Contracts for operation; requirements**

Sec. 4. (a) The commission may contract with a qualified person for:

- (1) the operation of a full service license branch under this section;
- (2) the provision of partial services under section 4.5 of this chapter; or
- (3) other services to process specific transactions as outlined by the commission.

(b) A contract for the operation of a full service license branch must include the following provisions:

- (1) The contractor shall provide a full service license branch, including the following services:
  - (A) Vehicle titles.
  - (B) Vehicle registration.
  - (C) Driver's licenses.
  - (D) Voter registration as provided in IC 3-7.
- (2) The contractor shall provide trained personnel to properly process branch transactions.
- (3) The contractor shall do the following:
  - (A) Collect and transmit all bureau fees and taxes collected at the license branch.
  - (B) Deposit the taxes collected at the license branch with the commission to be deposited with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.
- (4) The contractor shall generate a transaction volume sufficient to justify the installation of bureau support systems.
- (5) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.
- (6) The contractor may operate the license branch within a facility used for other purposes.
- (7) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.
- (8) The commission shall provide support systems on the same basis as state operated branches.
- (9) The commission must approve each location and physical facility based upon criteria developed by the commission board.
- (10) The term of the contract must be for a fixed period.
- (11) The contractor shall agree to provide voter registration services and to perform the same duties imposed on the commission under IC 3-7.

*As added by P.L.2-1991, SEC.4. Amended by P.L.12-1995, SEC.112; P.L.62-1996, SEC.6; P.L.125-2012, SEC.59.*

#### **IC 9-16-1-4.5**

### **Contracts for provision of partial services**

Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle title or registration and renewal services, or both, at a location must include the following provisions:

- (1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.
- (2) The contractor shall do the following:
  - (A) Collect and transmit all bureau fees and taxes collected at the contract location.
  - (B) Deposit the taxes collected at the contract location with the commission to be deposited with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.
- (3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.
- (4) The contractor shall provide:
  - (A) liability insurance coverage in an amount not to exceed two million dollars (\$2,000,000) per occurrence, as prescribed by the commission; and
  - (B) indemnification of the commission for any liability in excess of the amount of coverage provided under clause (A), not to exceed five million dollars (\$5,000,000) per occurrence.
- (5) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.
- (6) The commission must approve each location and physical facility used by a contractor.
- (7) The term of the contract must be for a fixed period.

*As added by P.L.62-1996, SEC.7. Amended by P.L.210-2005, SEC.18; P.L.41-2011, SEC.1; P.L.125-2012, SEC.60.*

### **IC 9-16-1-5 Version a**

#### **Service charges; collection; deposit**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 5. Each license branch, full service provider, or partial services provider shall collect the service charges prescribed by IC 9-29-3 and deposit the service charges in the state license branch fund established under IC 9-29-14.

*As added by P.L.2-1991, SEC.4. Amended by P.L.210-2005, SEC.19.*

### **IC 9-16-1-5 Version b**

#### **Service charges; collection; deposit**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 5. Each license branch, full service provider, or partial

services provider shall:

- (1) collect the service charges and fees as set forth in IC 9-29 and in policies and other documents of the bureau; and
- (2) remit the amounts collected to the bureau for deposit as set forth in this title.

*As added by P.L.2-1991, SEC.4. Amended by P.L.210-2005, SEC.19; P.L.216-2014, SEC.29.*

#### **IC 9-16-1-6**

##### **Violations**

Sec. 6. A person who violates section 5 of this chapter commits a Class C infraction.

*As added by P.L.2-1991, SEC.4.*

#### **IC 9-16-1-7**

##### **License branch hours on day before election day; election day; issuance of driver's licenses and state identification cards**

Sec. 7. (a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.

(b) On each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(c) On the day before each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(d) The commission shall:

- (1) designate another day as time off; or
- (2) authorize overtime pay;

for license branch personnel required to work on an election day.

*As added by P.L.221-2005, SEC.142. Amended by P.L.156-2006, SEC.1.*